

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PERFORMANCE PRICING, INC.,

Plaintiff,

v.

GOOGLE INC., AOL LLC, MICROSOFT
CORPORATION, YAHOO! INC.,
IAC SEARCH & MEDIA, INC., and
A9.COM, INC.,

Defendants.

Case No. 2:07-cv-432 (LED)

JURY TRIAL DEMANDED

STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE AS TO

YAHOO!, INC.

Performance Pricing, Inc. ("Plaintiff") and Defendant Yahoo! Inc. pursuant to Federal Rules of Civil Procedure 41(a)(2) and (c), hereby move for an order dismissing all claims by Plaintiff against Yahoo! Inc. in this action WITH PREJUDICE, and dismissing all counterclaims by Yahoo! Inc. against Plaintiff in this action WITHOUT PREJUDICE, with each party to bear its own costs, expenses, and attorneys' fees.

Dated: June 8, 2009

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument was served on all counsel of record by E-mail and/or Federal Express this 8th day of June, 2009.

/s/ Christin Cho _____
Christin Cho